



**STIPULATED REQUEST FOR AN ORDER  
GRANTING A STAY AND ~~PROPOSED~~ ORDER**

3 Plaintiff Roseanne Castro and Defendants Samsung Electronics America, Inc. and  
4 Samsung Telecommunications America, LLC<sup>1</sup> (the “Samsung Defendants”) (collectively, the  
5 “Stipulating Parties”) by and through their respective counsel, hereby make a stipulated request for  
6 an Order staying all proceedings and deadlines in this action until forty-five (45) days after the  
7 Panel on Multidistrict Litigation (“Panel”) has issued a ruling on the currently pending motions for  
8 coordination or consolidation of this and other actions captioned In re Carrier IQ, Inc. Consumer  
9 Privacy Litigation (MDL No. 2330) (the “MDL Motions”), and in support of this Request, state as  
10 follows:

11 WHEREAS, the Complaint in the above-captioned action was filed on December 9,  
12 2011;

13 WHEREAS, there have been no other modifications to the Samsung Defendants'  
14 time to answer, move or otherwise respond to the complaint in this action;

15 WHEREAS, pursuant to the Clerk's Notice dated December 22, 2011, the Initial  
16 Case Management Conference in the above-captioned action is scheduled for March 15, 2012;

17 WHEREAS, the Complaint alleges, among other things, that Defendants violated  
18 the privacy rights of mobile phone and other device consumers whose devices use software made  
19 by defendant Carrier IQ, Inc.;

20 WHEREAS over 50 other complaints have been filed to date in federal district  
21 courts throughout the United States by consumers purporting to bring class actions on behalf of  
22 similarly situated class members (collectively, including the above-captioned matter, the “CIQ  
23 cases”);

24 WHEREAS, several motions are pending before the Judicial Panel on Multidistrict  
25 Litigation to transfer the CIQ cases to various transferee courts for coordinated and consolidated

<sup>27</sup> <sup>1</sup> Samsung Telecommunications America, LLC was erroneously sued as Samsung  
<sup>28</sup> Telecommunications America, Inc.

1 pretrial proceedings pursuant to 28 U.S.C. Sec. 1407, responses to the motions supporting  
 2 coordination or consolidation were filed on December 27, 2011, and Plaintiff and the Samsung  
 3 Defendants anticipate that additional responses will be filed; and

4                   WHEREAS, in light of the pending MDL Motions and to facilitate an orderly  
 5 schedule for responding to the pleadings in the CIQ Cases, the Stipulating Parties in this case have  
 6 agreed that the deadline for the Samsung Defendants to answer, move, or otherwise respond to the  
 7 Complaint shall be extended until forty-five (45) days after the Judicial Panel on Multidistrict  
 8 Litigation issues an order deciding the MDL Motions, or as otherwise ordered by the MDL  
 9 transferee court if one of the MDL Motions is granted; provided, however, that in the event that  
 10 any of the Samsung Defendants should agree to an earlier response date in any of the CIQ Cases,  
 11 that Samsung Defendant will respond to the Complaint on that earlier date;

12                   IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned  
 13 counsel for Plaintiff and Samsung Defendants, that:

14                   1. Pursuant to Local Rule 6-1, 6-2 and 7-12, all proceedings and deadlines in  
 15 the above-captioned action that pertain to the Samsung Defendants are stayed until forty-five (45)  
 16 days after the Panel on Multidistrict Litigation rules on the MDL Motions or until further order of  
 17 this Court or the MDL Transferee Court;

18                   2. This stay shall include a continuance of the Samsung Defendants' deadline  
 19 to answer, move to dismiss, or otherwise respond to the Complaint;

20                   3. Any obligations of the Stipulating Parties to meet and confer regarding  
 21 initial disclosures under FRCP 26(f) are stayed until further Order from the Court or the MDL  
 22 Transferee Court;

23                   4. This Stipulation does not constitute a waiver by the Samsung Defendants of  
 24 any defense, including but not limited to the defenses of lack of personal jurisdiction, subject  
 25 matter jurisdiction, improper venue, sufficiency of process or service of process; and

26                   5. Nothing in this Order shall prohibit any Stipulating Party in the above-  
 27 captioned action from petitioning the court to lift the stay as events warrant.

28 //

1 DATED: January \_\_\_, 2012

2 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

3 By: /s/ Lance A. Etcheverry  
4 Lance A. Etcheverry

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9 Attorneys for Defendants  
10 SAMSUNG ELECTRONICS AMERICA, INC. and  
11 SAMSUNG TELECOMMUNICATIONS AMERICA,  
12 LLC

13 I, Lance A. Etcheverry, am the ECF User whose ID and password are being used to file this  
14 Stipulated Request For An Order Granting A Stay and [Proposed] Order. In compliance with  
15 General Order 45, X.B., I attest that each of the following signatories has concurred in this filing.

16 NEWPORT TRIAL GROUP, A PROFESSIONAL  
17 CORPORATION

18 By: /s/ James Byron Hardin  
19 JAMES BYRON HARDIN

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25 Attorneys for Plaintiff  
26 ROSEANNE CASTRO

27 \*\*Until and unless this matter is transferred to an MDL proceeding or responsive pleadings are  
28 filed, the parties shall submit a joint status report every 90 days.

29 PURSUANT TO STIPULATION, IT IS SO ORDERED.

30 Dated: 1/6/12, 2012



31 By:

32 Hon. Richard Seeborg  
33 UNITED STATES DISTRICT JUDGE